

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

WILLIAM H. EVANS, JR.,	:	
	:	NO. 1:06-CV-00342
Plaintiff,	:	
	:	
	:	
v.	:	<b>OPINION AND ORDER</b>
	:	
	:	
TERRY COLLINS,	:	
	:	
Defendant.	:	

This matter is before the Court on the Report and Recommendation in which the assigned Magistrate Judge recommended that Plaintiff's Motion for a Temporary Restraining Order be denied (doc. 43). For the reasons indicated herein, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety.

Plaintiff filed a pro se complaint pursuant to 42 U.S.C. § 1983, challenging Defendant Terry Collins' ("Defendant") failure to accommodate Plaintiff's exercise of his First Amendment right to represent his religious faith (doc. 1). On April 25, 2007, Plaintiff filed a Motion for a Temporary Restraining Order, claiming that prison guards had, in retaliation for the original complaint, wrongfully deprived him of his legal materials and asking that the status quo be preserved by having the materials returned to him (doc. 40). The Magistrate Judge, after fully reviewing Plaintiff's motion, found that his claim did not allege

facts sufficient to warrant a temporary restraining order (doc. 43). The Magistrate Judge supported his conclusion by explaining that Plaintiff did not allege any facts indicating a substantial likelihood of success on the merits of his constitutional claims, nor did he allege facts showing that he would suffer irreparable harm absent a preliminary injunction (Id.). Furthermore, the Magistrate Judge indicated that an injunction is not warranted in this case because the purpose of a preliminary injunction, to preserve the status quo until a trial on the merits can be held, would not be served (Id.). The Court, having fully considered this matter, finds the Magistrate Judge's Report and Recommendation well-reasoned, thorough, and correct.

The parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 43), and thereby DENIES

Plaintiff's Motion for a Temporary Restraining Order (doc. 40).

SO ORDERED.

Dated: June 5, 2007

/s/ S. Arthur Spiegel

S. Arthur Spiegel  
United States Senior District Judge

